

REMARKS

Claims 1-31 are pending in the present application. In the Office Action mailed August 23, 2006, the Examiner rejected claim 31 under 35 U.S.C. §112, second paragraph. The Examiner next rejected claims 1, 2, 5-7, 9, 10, 13, 14, 18, 20-22, and 27 under 35 U.S.C. §103(a) as being unpatentable over Scott et al. (USP 6,118,186). Claims 8, 11, 12, 15, 19, 28, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scott et al. and further in view of Yamada et al. (6,975,042). Claims 3, 4, 17, 25, 26, 30, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scott et al. and further in view of Takeda et al. (5,936,320). Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scott et al. and further in view of Wasko et al. (2,898,542). Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Scott et al. in view of Yamada et al. and further in view of Wasko et al.

The Examiner rejected claims 1, 10, 18, and 27 under 103(a) over Scott et al. While Applicant respectfully disagrees, Applicant has elected to amend each independent claim to further clarify what is called for therein, and in some cases, incorporate subject matter from dependent claims. Accordingly, those dependent claims (14, 19, and 28), have been canceled.

Applicant has amended claim 1 to further clarify what is called for therein. As amended, claim 1 calls for an engine driven welder-type device comprising an engine, a mechanical to electrical power converter connected to the engine configured to generate a power signal suitable for welding processes, an accessory outlet having a generally uniform power output from engine idle speed through high speed operation of the engine, and a battery electrically coupled to the accessory outlet.

Scott et al. fails to teach or suggest a battery electrically coupled to the accessory outlet. The Examiner refers to Yamada et al. for teaching that a battery arrangement would have been obvious to include in the system of Scott et al., as “batteries are useful in an engine driven welder.” *Office Action, supra at 3*. The battery disclosed in Yamada et al. does not teach or suggest that which is called for in claim 1. That is, the battery in Yamada et al. is not electrically coupled to an accessory outlet. As disclosed in Yamada et al., and shown in Fig. 14, battery 28 provides a DC voltage to a DC-DC converter that allows the battery 28 to power starter motor 70.

Yamada et al., Col. 10, lns. 4-15. The battery can additionally provide a DC voltage to the DC-DC converter to provide a DC voltage and current boost to electronic control module 24. Nowhere in *Yamada et al.*, however, is it taught or suggested that battery 28 could be or is connected to voltage receptacle 50. *Id.* Rather, the battery 28 of *Yamada et al.* is only configured to feed into the DC-DC converter. As such, that which is called for in claim 1, and the claims dependent therefrom, is not taught disclosed or suggested in *Scott et al.* or *Yamada et al.*

Applicant has also amended claim 10 to further clarify what is called for therein. As amended, claim 10 calls for, in part, an engine driven welder/generator assembly having an engine, a power conditioner configured to provide a generally uniform DC power signal independent of engine speed, and an outlet connected to the power conditioner and configured to supply the generally uniform DC power signal.

Scott et al. fails to teach or suggest an assembly that can provide a generally uniform DC power signal by way of an outlet and independent of engine speed. As shown in Fig. 5, *Scott et al.* discloses a system 500 that includes a power converter (inverter) 530 to generate an AC signal 532 at the terminals L1, L2 of a conventional outlet 534. *Scott et al.*, Cols. 9, lns. 66-67 and Col. 10, lns. 1-8. Converter 530 derives power from one or more of DC rails 501A and 501B and is converted to a desired AC signal via one or more independent inverter rails 542, 544. *Id.* Thus, *Scott et al.* does not disclose that a generally uniform DC power signal can be supplied via conventional outlet 534. *Scott et al.* therefore fails to teach or suggest that which is called for in claim 10, or the claims dependent therefrom.

Applicant has also amended claim 18 to further clarify what is called for therein. As amended, claim 18 calls for a method of powering an accessory including the steps of generating an electrical power signal from an engine driven welder/generator assembly, generating a weld power from the electrical power signal, charging a battery from the electrical power signal, and connecting the battery to output a relatively uniform auxiliary power signal across variable engine speeds.

As stated above, *Scott et al.* fails to teach or suggest the use of a battery in an engine driven welding/generator assembly. Furthermore, the battery disclosed in *Yamada et al.* fails to teach or suggest that which is called for in claim 18. That is, the battery in *Yamada et al.* is not

configured to output a relatively uniform auxiliary power signal across variable engine speeds. As set forth above, Yamada et al. discloses a battery 28 that provides a DC voltage to a DC-DC converter that allows the battery 28 to power starter motor 70, and can also provide a DC voltage to the DC-DC converter to provide a DC voltage and current boost to electronic control module 24. *Yamada et al., Col. 10, lns. 4-15.* Nowhere in Yamada et al., however, is it taught or suggested that battery 28 is connected to output a relatively uniform auxiliary power signal across variable engine speeds. The function of the battery 28 in Yamada et al. is not to provide a relatively uniform auxiliary power signal. Rather, the battery is configured to power starter motor 70 or provide a small power boost to electronic control module 24. Thus, were the teachings of Yamada et al. combined with the teachings of Scott et al., there still would be no teaching or suggestion of a battery that outputs a relatively uniform auxiliary power signal across variable engine speeds. As such, that which is called for in claim 18, and the claims dependent therefrom, is believed to be patentably distinct over the references of Scott et al. and Yamada et al.

Applicant has also amended claim 27 to further clarify what is called for therein. As amended, claim 27 calls for, in part, a welding-type apparatus having an engine, a means for providing a relatively constant power signal independent of engine operating speed, and a means for storing energy generated by the engine and powering the constant power signal means.

While Yamada et al. does disclose a battery as a means for storing energy generated by an engine, the energy stored by battery 28 in Yamada et al. is not for providing a constant power signal means. That is, power stored by battery 28 in Yamada et al. is used to power starter motor 70 and/or provide a power boost to DC-DC converter 24. *Yamada et al., Col. 10, lns. 4-15.* There is not teaching or suggestion in Yamada et al. that battery 28 is able to provide a constant power signal. As Yamada et al. fails to set forth such a teaching, and Scott et al. fails to teach or suggest any means for storing energy generated by an engine to provide a constant power signal, that which is called for in claim 27, and the claims dependent therefrom, is believed to be patentably distinct over the cited references.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-13, 15-18, 20-27, and 29-31.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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¹The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.